

Colorado Department of Transportation Outdoor Advertising Manual



October 2014

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INTRODUCTION

The main purpose of the *CDOT Outdoor Advertising Control Manual* is to provide a quick, easy-to-use overview of duties and tasks that will be required in the course of providing effective control of outdoor advertising.

The manual is intended to assist the Outdoor Advertising Program Manager, Outdoor Advertising Inspectors, and field personnel by:

identifying and describing the activities related to outdoor advertising from permit application, issuance and renewal of outdoor advertising devices; to field monitoring, and establishing a uniform application of processes and procedures for use department-wide controlling legal and illegal outdoor advertising devices.

This manual is organized and indexed following the major processes of the Outdoor Advertising Control Program, the Permitting Process and the Monitoring Process.

References to the controlling documents are provided in the *CDOT Outdoor Advertising Control Manual Reference Guide*.

Outdoor Advertising Control is a complex program and must be consistently applied and monitored across the State of Colorado. As such, users are encouraged to submit processes, procedures, forms, outlines, flowcharts and suggestions for consideration into future revisions of this manual.

This effort represents a rewrite of the entire manual. The manual will continue to be revised as methods, policies, processes, procedures, guidelines and the Outdoor Advertising Program changes. If updates or changes to the manual are required, new revisions will be published and posted on the CDOT internet site (<http://www.coloradodot.info/library/manuals>). It is the user's responsibility to keep the manual current by inserting the revisions as they are issued.

PURPOSE

The main purpose of Outdoor Advertising Rules and Regulations, 2CCR 601-3, is to implement, by permit, Department authority to provide "effective control" of outdoor advertising devices visible from the main traveled way and within the control area along State highways. This manual has been prepared in order to establish and provide a clear understanding of the procedures involved in providing "effective control" for the erection and ongoing maintenance of outdoor advertising devices adjacent to the Interstate, Federal Aid Primary as existed on June 1, 1991, National Highway System and State Secondary Highways within the State of Colorado in conformance with the 1965 and 1971 Federal/State Agreements, and Federal and State laws, rules and regulations.

Another purpose of the manual is to ensure full and uniform statewide compliance with certain Federal provisions in order for the Department to receive federal funds without sanctions. The Department must provide uniform and adequate regulation over outdoor advertising adjacent to State Secondary Highways by State laws, rules and regulations, and adjacent to the Federal-aid Primary System as it existed June 1, 1991, National Highway System, including but not limited to Interstates by Federal and State laws, rules and regulations. Therefore, this manual shall apply to the control area adjacent to all existing State Secondary highways and to the Interstate System, the Federal-Aid Primary system as it existed on June 1, 1991 and all roads on to the National Highway System, regardless of whether or not such routes remain under Department jurisdiction.

This manual does not substitute for, but rather supplements, the procedures and requirements of the respective laws, rules and directives cited herein.

DEFINITIONS

In addition to those included within [2 CCR 601-3](#) and [§43-1-403](#), CRS, the following additional definitions and terms are used in the Outdoor Advertising industry and apply within the context of this manual.

Sign Descriptions

Sign descriptions are from the FHWA website referencing Outdoor Advertising Association of America website and from The Signage Sourcebook published by the Signage Foundation for Communication Excellence, Inc., first edition, October, 2003, and from other sources.

“Abandoned Sign” means one in which no one has an interest, or as defined by State law.

“Adjacent Area” means an area that is adjacent to and within 660 feet of the nearest edge of the right-of-way of an interstate, primary or secondary highway. 23 USC 131 further expands this to include areas located beyond six hundred sixty (660) feet of the right-of-way located outside of urban areas, visible to the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way of any “control route” (may also be referred to as “view shed”)

“Backlighting Unit (Backlit)” means advertising structures which house illumination in a box to throw light through translucent advertising printed on plastic or heavy-duty paper for higher visibility especially at night.

“Billboard” means large format advertising displays intended for viewing from extended distances, generally more than 50 feet. Billboard displays include, but not limited to: 30-sheet posters, 8-sheet posters, vinyl-wrapped posters, bulletins, wall murals and stadium/arena signage.

“Blank sign” means a sign void of paid advertising matter. Non-conforming devices advertising availability for rent are considered blank signs.

“Bulletin” means the largest standard format of outdoor media, the most common size is 14' high x 48' wide. Design copy is most commonly reproduced on vinyl, and then wrapped around the surface of a bulletin structure. Design copy can also be painted directly onto the surface of a bulletin or printed on paper and applied. Bulletins are sold either as permanent displays or in rotary packages.

“Business” means any commercial establishment, such as a store or factory, from which buying or selling of commodities and/or services takes place. For purposes of outdoor advertising, seasonal activities such as produce stands along-side a highway do not qualify as a “business” unless registered as such with the Colorado Secretary of State.

“Changeable Message Sign” means a sign with the ability to change content by means of manual or remote input.

“Chaser Border” means a border of incandescent electric bulbs or luminous tubes placed around a display which flash on and off in rotation. The lights thus appear to be rapidly moving around the border. This is frequently used on theatre marquees.

“CEVMS” or “Changeable Electronic Variable Message Sign” means a self-luminous advertising sign which emits or projects any kind of light, color, or message change which ranges from static images to image sequences to full motion video. Changeable Electronic Variable Message Signs include, but are not limited to, Tri-Vision and other rotating slat technology. The use of CEVMS technology, shall not, in itself, constitute the use of flashing, intermittent or moving light or lights.

"Control Area" means the area within six hundred sixty (660) feet of the nearest edge of the right-of-way for the Controlled Routes where an Advertising Device is Visible from the Main Traveled Way, and areas outside of Urban Areas that are more than six hundred sixty (660) feet of the nearest edge of such right-of-way where an Advertising Device is Visible from the Main Traveled Way of the system, and erected with the purpose of its message being read from the Main Traveled Way.

“Conforming Sign” means a sign that is legally installed in accordance with federal, state, and local permit requirements and laws.

“Controlled Route” means any route on the National Highway System, which includes the interstate system, State Highways, and any route on the former federal-aid primary system in existence on June 1, 1991. A Map of the Controlled Routes is contained in the *CDOT Outdoor Advertising Control Manual Reference Guide*.

“Conforming Sign” means a sign legally erected and maintained in accordance with state, federal, and local laws including 23 USC 131, 23 CFR 750.708,43-1-401, *et seq*, CRS and 2CCR 601-3.

“Cutouts; Extensions; Embellishments” means temporary add-ons to the structure (usually bulletins) that extend beyond the standard structure area to command greater attention to the message, including but not limited to letters, packages, 3-D elements, figures, fiber optics, etc.

“Dioramas” means signs that are custom designed creations with incorporate sign face messaging with additional physical features to catch the eye of the public. The signs may use mannequins, fencing, custom lighting, or themed architectural features in their construction. This type of sign is usually found only in the most intense urban environments.

“Directional Sign” shall have the same meaning as § 43-1-403(4), C.R.S.

“Fascia Sign” means a building mounted sign.

“Federal-aid Primary Highway means the Federal aid primary system in existence on June 1, 1991 and any highway which is not on such system but which is on the National Highway System as defined in 23 USC 103(b) and (c).

“Illegal Sign” means a sign erected or maintained in violation of the state or federal law, the rules or local law or ordinance.

“Listed Sign” means a sign label to indicate that the manufacturer of the sign is identified on a list published by a nationally recognized testing laboratory as producing signs in conformance with the applicable American national standard.

“Mobile Billboard” means a truck or trailer equipped with one or more poster panel units. The unit can either be parked at specified venues or driven around designated localities.

“Nonconforming Advertising Device” means a sign which was lawfully erected but which fails to conform to the sizing, lighting, spacing or location requirements of state statutes enacted at a later date or because of changed conditions. [23 CFR 750.707; § 43-1-413, C.R.S., § 43-1-404(1)(e)(I), C.R.S.]

“National Highway System” means the system of highways designated and defined in 23 USC 103(b).

“Obsolete” means out of date or not used for its intended purpose. Off-premise signs that only advertise availability for rent or lease are obsolete, as such signs were built with the express

purpose of displaying advertising for profit. On-premise signs advertising former businesses are obsolete, as the goods or services are no longer available on the premises.

“Obstruction” means substantial permanent structures or terrain that completely blocks or obstructs vision of a sign.

“Off-Premise Sign” means an Advertising Device which advertises an activity, service or product not conducted on the Property upon which the Sign is located.

“Official sign” means a sign that the local jurisdiction certifies both sign and message are in full compliance with 23 USC 131, 23 CFR 750.708,43-1-401, *et seq*, CRS and 2CCR 601-3 by an ordinance, declaration or resolution from the governing body and agree to remove such sign in the event that Colorado's full share of Federal-Aid funds to be apportioned by Congress for State highways are compromised by the presence of such official sign.

“On-Premise Sign” means an Advertising Device:

Advertising the sale or lease of a Property on which it is located; or

Advertising activities on the Property on which it is located; or

Located within a Comprehensive Development that advertises any activity conducted within the Comprehensive Development.

On-Premise Advertising Devices are referred to as either On-Premise Inside 50 Feet or Outside 50 Feet. When the advertised activity is a business, commercial, or industrial land use, the 50 foot distance shall be measured from the regularly used buildings, parking lots, storage or processing areas, or other structures which are essential and customary to the conduct of the business. It shall not be measured from driveways, fences, or similar facilities.

“Poster Panel” means an advertising structure on which standardized posters are displayed.

“Rural areas” are places outside of areas with a population of five thousand (5,000) or more. The boundaries of these areas, established by the census bureau, are agreed upon by Federal, State and local governments.

“Sign” means any Advertising Device as defined in § 43-1-403(1), C.R.S. For purposes of these Rules, Sign shall have the same meaning as Advertising Device unless otherwise specified.

“Sign face” means the portion of advertising surface viewable to the motoring public from one direction of the main traveled way of a State highway, which does not exceed one thousand two

hundred (1200) square feet per face for conforming signs, and one hundred fifty (150) square feet for necessary goods or service signs and directional signs.

“Sign structure” means the assembled structural components which together provide support for an outdoor advertising device display, including but not limited to foundation, bracing, uprights and trim.

“State Highway System” means the non-federal-aid system, including sections thereof within Urban Areas, the federal-aid primary and secondary system, the interstate system and freeways, including State Highways designated as scenic byways by the Colorado Transportation Commission.

“State law” means a constitutional provision, statute or rule adopted by the State of Colorado.

“Transient or temporary activities” means such business activities that are not registered with the Colorado Secretary of State. Roadside flower vendors and seasonal fireworks stands are examples of transient or temporary activities and shall not qualify as a business activity for the purpose of outdoor advertising control.

Trim (Molding) - A frame of metal, fiberglass, plastic or wood that surrounds the surface of an outdoor advertising structure.

Tri-Vision - A painted display embellishment, which, through use of triangular louver construction, permits the display of three different copy, messages in a pre-determined sequence.

“Urban Area” pursuant to 23 U.S.C. 101 (a)(33) means an urbanized area designated by the Bureau of the Census having a population of 5,000 or more and not within any urbanized area, within boundaries to be fixed by responsible State and local officials.

“LOGO Sign” shall mean a blue guide sign which belongs to CDOT; to which plaques belonging to businesses are attached, located on an interstate, freeway or expressway interchange which provides the traveling public with business identification and directional information for eligible services and tourist attractions.

“V-Type Sign” is an off-premise sign structure that consists of multiple sign facings placed at angles to each other, oriented in different directions and not exceeding 10 feet apart at the nearest point to each other.

“Visible” means capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity. [23 CFR 750.153 (j)].

“Wall Scapes” means signs or murals that are typically painted onto the side of a building or other massive structure. In certain applications, vinyl advertising copy may be applied to or suspended from a wall. These signs may be huge vinyl signs draped down or wrapped around buildings, suspended from construction scaffolding, or other supporting framework. These signs and are sometimes referred to as "building warps".

“Wall Mural” means an advertising display applied directly onto the exterior surface of a building. Painting directly onto the surface is the most common application method; however, a painted or printed vinyl substrate can also be applied to a wall surface, depending on the location.

“Wall Sign” means a building-mounted sign either attached to or displayed or painted on an exterior wall in a manner parallel with the wall surface, and not projecting more than 1 inches from such surface.

“Zoned Commercial or Industrial uses under authority of State Law” means an area which is reserved for business, commerce, trade, manufacturing, or industry, pursuant to a comprehensive zoning plan. The primary use of the area or district must be consistent with its zoning designation.

OUTDOOR ADVERTISING CONTROL PROGRAM IN COLORADO

Organization Headquarters Project Development Branch - The Outdoor Advertising Control Program Manager administers program outlined within this manual, with assistance from Headquarters staff and Region personnel. This manual, State statutes and program rules are available online at www.state.co.us/library/ and the Program Manager can be reached by calling (303) 757-9273. The Manager monitors for compliance and consistent statewide application and enforcement for the program. The Manager provides training for and maintains the program database, invoices for annual permit renewal, and represents the Department in all matters pertaining to the program. The Manager is also the custodian for all program forms and inventories.

Region Outdoor Advertising Inspectors There are five (5) CDOT Regions, each having Outdoor Advertising Inspectors, who conduct surveillance and monitoring to control illegal signs and monitor the non-conforming signs for adhering to maintenance rules and regulations. The inspectors are the custodians for all official sign records.

Each inspector will provide quarterly reports of Region-wide Outdoor Advertising Control Control activities to the Program Manager. These reports will provide a summary of the number of illegal signs removed from within and adjacent to CDOT right-of-way by all Region personnel, the number and photos of illegal signs voluntarily removed subsequent to personal contact, the number and photos of illegal signs removed subsequent to written notice, the number of program inquiries received, and the number of permits issued/revoked during the quarter. These reports may be submitted electronically to their Region Traffic Engineer (or designee) and to the Program Manager not later than the fifteenth of the month following the end of each quarter. This is a requirement of the FHWA/CDOT Stewardship Agreement.

New permit applications are first checked by the Region Outdoor Advertising Inspector, and then subject to review by the Outdoor Advertising Program Manager prior to permit issuance. New permits are written by the OA Program Manager and issued by the Region Outdoor Advertising Inspector after the device has been constructed in substantial conformance with the construction permit issued by the local jurisdiction where the sign is located.

There were seven hundred and forty seven (747) conforming, eight hundred and twenty five (825) nonconforming, one hundred fifty-one (151) necessary goods or service and four (4) directional signs permitted in 2014.

Reminder invoices are mailed from CDOT Headquarters to each permit holder on or about April 15 each year, reminding them to renew their annual outdoor advertising permit(s) prior to June 1 to avoid a statutory fifty dollar (\$50) late fee. All non-renewed permits expire on June 30.

All monies remitted to the CDOT Accounting Branch are processed utilizing the approved segregation of duties including actions by Project Development Staff and Headquarters' Business and Accounting Offices. All monies remitted to the Regions are processed by the respective Region Business Offices with e-mail advisement to the Outdoor Advertising Control Program Manager.

CLASSIFICATION OF SIGNS (STATUS) Any proposed sign to be located within the control area of any controlled route in the State of Colorado, except for on-premise signs, must obtain a CDOT Outdoor Advertising Control Device Construction Permit before erection. Once constructed in substantial conformance with all applicable State statutes, local ordinances, rules and regulations, a CDOT Outdoor Advertising Control Permit will be issued to either construct or modify the structure, sign face, or lighting. All permits will be issued by the CDOT Region Outdoor Advertising Inspector after Outdoor Advertising Program Manager review.

Conforming advertising devices are such devices located in areas zoned for commercial or industrial uses under authority of state law prior to January 1, 1970, (or earlier in Kerr or Cotton area exceptions) and must comply with size, lighting, spacing and zoning criteria. All new lawfully erected advertising devices may be classified as conforming, directional, necessary goods or service, or official signs and may be allowed to be maintained provided that they meet all applicable criteria pursuant to 2CCR 601-3. Only directional and official sign(s) shall be erected within a Bonus area of the interstate system or along a designated Scenic Byway. The status of any outdoor advertising device, however, may change based on new information, zoning, statute or rules change.

Site Location Criteria-Off-Premise Conforming Signs Along CDOT Interstate Highways:

URBAN

- The sign must provide information about goods and/or services or activities not readily available on the premises (not just property) and is located more than fifty (50) feet from such premises where the goods and/or services or activities are readily available; and
- Is within 660 feet of the nearest edge of the ROW; and
- Is visible from the main traveled way of the interstate and meant to be read from the main traveled way of the interstate; and
- Is at least five hundred (500) feet from any other sign permitted by CDOT; and
- The sign must provide information about goods and/or services or activities not readily available on the premises (not just property) and is located more than fifty (50) feet from such premises where the goods and/or services or activities are readily available; and
- Is along an interstate and is within the official city boundaries as existed on September 21, 1959 and is zoned either commercial or industrial by law; and was zoned either commercial or industrial by law prior to January 1, 1970; or
- Is along an interstate highway and is outside of the official city boundaries as existed on September 21, 1959 and clearly established by State law as commercial or industrial; and is zoned either commercial or industrial by

law, and was zoned either commercial or industrial by law prior to September 21, 1959; or

- Is adjacent to the interstate where any portion was purchased prior to July 1, 1956 and is zoned either commercial or industrial by law; and was zoned either commercial or industrial by law prior to January 1, 1970.

Site Location Criteria-Off-Premise Conforming Signs Along CDOT Interstate Highways:

RURAL

- The sign must provide information about goods and/or services or activities not readily available on the premises (not just property) and is located more than fifty (50) feet from such premises where the goods and/or services or activities are readily available; and
- Is visible from the main traveled way of the interstate and meant to be read from the main traveled way of the interstate; and
- The sign must provide information about goods and/or services or activities not readily available on the premises (not just property) and is located more than fifty (50) feet from such premises where the goods and/or services or activities are readily available; and
- Is not within 500 feet of an on-ramp, off-ramp (measured from the end of widening for the ramp) or other turning roadway connected to the main traveled way of the interstate; and
- Is not within five hundred (500) feet of an interchange structure (overpass or underpass) when that structure does not have any such roadway, or within five hundred (500) feet of the point at which the main traveled way begins or ends pavement widening to accommodate such roadway; and
- Is not within five hundred (500) feet of any other sign permitted by CDOT; and
- Is outside of an official city boundary as existed on September 21, 1959 and is zoned commercial or industrial by law, and was zoned either commercial or industrial by law prior to September 21, 1959; or
- Is adjacent to the interstate where any portion was purchased prior to July 1, 1956 and is zoned commercial or industrial, and was zoned either commercial or industrial by law prior to January 1, 1970.

Site Location Criteria-Off-Premise Conforming Signs Along CDOT Expressways and Freeways and all other Controlled Routes:

URBAN

- The sign must provide information about goods and/or services or activities not readily available on the premises (not just property) and is located more than fifty (50) feet from such premises where the goods and/or services or activities are readily available; and
- Is visible from the main traveled way and meant to be read from the main traveled way; and
- Is within 660 feet of the nearest highway ROW; and

- Is not within one hundred (100) feet of any other sign permitted by CDOT; and
- Was zoned by law either commercial or industrial by prior to January 1, 1970 for a sign up to 1200 square feet with a maximum width of 60 feet and maximum height of 30 feet, and advertising any goods or services not violating any federal laws; or
- Was zoned by law either commercial or industrial on or after January 1, 1970 for a Necessary Goods or Service sign.

Site Location Criteria-Off-Premise Conforming Signs Along CDOT Expressways and Freeways and all other Controlled Routes:

RURAL

- The sign must provide information about goods and/or services or activities not readily available on the premises (not just property) and is located more than fifty (50) feet from such premises where the goods and/or services or activities are readily available; and
- Is visible from the main traveled way and meant to be read from the main traveled way; and
- Is not within three hundred (300) feet of any other sign permitted by CDOT outside of incorporated villages and cities; or not within one hundred (100) feet of any other sign permitted by CDOT within incorporated villages and cities.
- The sign must provide information about goods and/or services or activities not readily available on the premises (not just property) and is located more than fifty (50) feet from such premises where the goods and/or services or activities are readily available; and
- Was zoned either commercial or industrial prior to January 1, 1970 for a sign up to 1200 square feet with a maximum width of 60 feet and maximum height of 30 feet, and advertising any goods or services not violating any federal laws; or
- Was zoned by law either commercial or industrial on or after January 1, 1970 for a Necessary Goods or Service sign up to 150 square feet in area.
- It is not adjacent to an on-ramp, off-ramp or other turning roadway connected to the main traveled way of the highway; and
- Is not within five hundred (500) feet of an interchange structure (overpass or underpass) when that structure does not have any such roadway ramp or turning roadway; and is not within five hundred (500) feet any at-grade or highway or railroad intersection

New Off-Premise Signs Within 500 feet of Ramp Widening Per CDOT's Size, Lighting, and Spacing, Agreement with the Federal Highway Administration of July 9th 1971. Section III. State Control, Spacing of Signs, 2 (b):
 “2. Interstate Highways and Freeways on the Federal-aid Primary System.

b. Outside of incorporated villages and cities, no structure may be located adjacent to or within 500 feet of an interchange, intersection at grade, or safety rest area. Said 500 feet to be measured along the Interstate or freeway from the beginning or ending of pavement widening at the exit from or entrance to the main-traveled way.”

When reviewing applications involving ramp widening on freeways or interstate highways, Region Outdoor Advertising Inspectors will verify the 500 feet measurement where signs can be placed in proximity of the 500 feet of beginning or ending of pavement widening. The Inspector should review ROW plans and consult a CDOT Engineer for verification that the proposed sign will not be within the 500 feet of beginning or ending of pavement widening. The review may also include the need to consult the Region Traffic Engineer and the Traffic Striping and Signing Plans of the section of highway to verify the striping plans for the ramps involved. If the 500 feet cannot be determined after the review, the Inspector will send the review information to the Outdoor Advertising Control Program Manager, who may consult with the Attorney General's Office for a determination and placement of the sign. If the sign cannot be erected beyond the 500 feet of the beginning or ending of pavement widening, the application will be denied by certified letter sent from the Region Outdoor Advertising Inspector to the applicant.

Necessary Goods or Service advertising devices must satisfy all of the provisions:

- signs can only be located along non-interstate highways in areas which were zoned for industrial or commercial uses under authority of state law on or after January 1, 1970; and
- each sign face is no larger than one hundred fifty (150) square feet; and
- is on the same side of the highway and located within 1,000 feet of an industrial or commercial building in place; and
- is within five (5) miles of the goods or services advertised; and
- no person providing necessary goods or services shall be eligible for more than two advertising devices in the same parcel after-January 1,1970 zoned area; and
- the advertising device shall predominately display the name and location of the necessary goods or services advertised.

Directional advertising devices containing directional information about public places owned or operated by federal, state, or local governments or their agencies, publicly or privately owned natural phenomena, historic, cultural, scientific, educational, and religious sites, and areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be in the interest of the traveling public. They can be situated on un-zoned land and are recommended to have blue backgrounds and white lettering with no trim. They can be a maximum of 150 square feet with maximum length of 20 feet or maximum height of 20 feet. CDOT recommends 15’ wide x 10’ high.

Official advertising devices may be erected on private property within the CDOT control area regardless of zoning by following procedures outlined below,

- The sign must be erected and maintained by a public officer or agency.
- The sign must be erected within the territorial jurisdiction or zoning jurisdiction of the public officer or agency.
- The official advertising device must be approved by the governmental entity through an enacted statute, rule, regulation, ordinance, declaration or resolution which specifically states that “it is the duty of the governmental entity to erect this sign for a public purpose.”
- The public purpose should be directly cited in such statute, rule, regulation, ordinance, declaration or resolution.
- Such documentation should be kept in the official sign file at the Region and should be issued a number and entered into the database.
- Official signs are “FEE EXEMPT”, and should be so noted in the database
- The numbering scheme shall begin with 21000 for Region 1, 22000 for Region 2, 23000 for Region 3, etc. The next three numbers are for the official sign number as assigned by each Region beginning with 1.
- The official advertising device shall not advertise any private business or private purpose.
- The size of the official advertising device cannot exceed one hundred and fifty (150) square feet per face.
- The message may only contain public purpose messages within the jurisdiction of that governmental entity.

All official signs along the Interstate and Federal-Aid Primary highways must have Department approval prior to installation.

Official signs require an official act of the governing body (resolution or ordinance) authorizing sign erection and maintenance at a specific location for a public purpose. Persons interested in erecting official signs should contact their nearest CDOT Region Office Outdoor Advertising Inspector (see contact information in APPENDIX A). Owners of signs which meet the criteria for an official sign must fill out and submit an application for each official sign but are not required to pay any fee. The Department will issue written approval letters for each official sign request that meets all Outdoor Advertising requirements upon submission of a completed application form.

“Public purpose” as it relates to this section is the legally defined duties as set out in each governmental entity's legal operational authority. The zoning information on the application form is not required for official signs.

Nonconforming Advertising Device means a sign which was lawfully erected but which fails to conform to the sizing, lighting, spacing or location requirements of law enacted at a later date or because of changed conditions, except those advertising devices allowed by § 43-1-404(1), C.R.S. [23 C.F.R. 750.707; § 43-1-413, C.R.S., § 43-1-403(12); § 43-1-404(1)(e)(I), C.R.S.]

Nonconforming status **cannot** be granted to a new sign.

The status of any Outdoor Advertising Control device may change based on new information, zoning, statute or rules change. Depending on the reason for nonconformity, a non-conforming sign owner may apply to become a conforming sign.

Non-conforming signs are allowed to remain as nonconforming signs as long they are maintained as such and remain unchanged in any aspect or character and comply with Section 43-1-401 *et seq*, CRS, statutes and the rules and regulations found in 2 CCR 601-3.

Non-conforming signs are only allowed reasonable and customary maintenance. CDOT will allow up to 50% of the total replacement cost of the advertising device in any one year. CDOT considers the vertical support structure, i.e. posts and footings, as 50%; and the advertising support structure, also known as the “head”, as 50%. Please see the rules and regulations in 2 CCR 601-3 for the method to determine total replacement cost.

Non-conforming advertising devices which are blank or display obsolete advertising matter or only advertise that the space is for rent for a period of six months, are abandoned and shall be removed at the sign or property owner's expense and cannot be re-erected.

Illegal advertising devices are erected or maintained in violation of State statutes, CDOT Rules and Regulations Pertaining to Outdoor Advertising 2 CCR 601-3, local law or ordinances.

Illegal advertising devices cannot and will not be permitted by CDOT. Such illegal advertising devices will not be compensated by CDOT in the event of highway widening or highway improvements.

Several types of illegal signs are:

1. An existing non-conforming sign that fails to renew its permit.
2. An existing non-conforming sign that is modified so as to violate the size, lighting or spacing provisions of the State statutes or rules and regulations.
3. An existing non-conforming sign that is modified in any aspect or character from its original non-conforming status.
4. An existing non-conforming sign that is blank or advertises out-of-date material.
5. A new sign erected in a controlled area where signs are not allowed.
6. A new sign that violates size, lighting or spacing requirements.
7. A new sign that fails to have a proper permit as required by State law.
8. Any sign erected on any controlled route right-of-way without permission of the CDOT.

Illegal signs placed within CDOT State highway ROW are declared to be public nuisances and subject to immediate removal by any Department employee. Signs

removed from within the ROW are normally stored at the nearest CDOT facility for a period not to exceed thirty (30) days and then are discarded.

On Premise Signs The purpose of an on-premise sign is to advertise the principal or primary activities, goods or services available upon the premises, or to identify the property upon which the sign is located. Such signs may direct the traveling public to the closest entrance to the premises located upon that property, or to advertise the property upon which the sign is located for sale or lease. Signs that indicate the name of the business, principal or primary activities or profession(s) conducted on the property and are within fifty (50) feet of the premises may be regulated by the local jurisdiction but are not regulated by CDOT. Signs on the property that are more than fifty (50) feet from the premises may be subject to regulation by the local jurisdiction and CDOT. An on premise sign must be located upon the same property as the premise activity advertised.

Property Identification Signs A sign which identifies the property upon which it is located is an on-premise sign if it only advertises the following information of record: the name of the property; the type of property; its logo; and/or the name of the owner of the property. Signs located on the property upon which the premises are located may direct the traveling public to the closest entrance to the premises. Only one sign visible to traffic proceeding in any one direction is allowed per mile on any single property. Property identification signs must be equal to or less than one hundred fifty (150) square feet, including border and trim.

For Sale or For Lease Signs A sign which advertises the property upon which it is erected for sale or lease is an on-premise sign if it predominately advertises the sale or lease of that specific piece of property only. The sign message is limited to logo and/or trade name, type of real property, address and telephone number of the party offering the property for sale or lease. Only one sign per mile is visible from each direction of travel on the main traveled way is allowed on any one property. These signs must be placed upon the actual property being offered, cannot exceed ninety-six (96) square feet each (including border and trim) and do not require a CDOT permit.

Non-commercial Signs (i.e., religious, social or political commentaries) may only be erected by the owner or lessee on their property, where the premises is the primary structure(s), parking area and private roadway. Signs that are on the property and within approximately 50 feet of the premises are not regulated by CDOT. Such signs that are on the property and more than 50 feet from the premises may be no larger than 150 square feet and are limited to two signs per mile visible to traffic proceeding in any one direction if the highway frontage of the property upon which the premises is located is less than one mile in length. If the highway frontage of the property upon which the premises is located is more than one mile in length, one sign visible to traffic proceeding in any one direction per mile is allowable.

Advertising Devices within CDOT ROW Pursuant to §43-1-117(3)(a), CRS, "...no person other than the department without written approval of the department shall erect or

maintain any advertising device located either wholly or partly within the right-of-way of any state highway that is a part of the state highway system, including streets within cities, cities and counties, and incorporated towns. All advertising devices so located are hereby declared to be public nuisances, and any law enforcement officer or peace officer in the state of Colorado or employee of the department is hereby authorized and directed to remove the same without notice.”

Signs without specific written permission are subject to possible sanctions. Any CDOT employee is authorized and directed, should advise the Region Advertising Inspector via e-mail at their earliest convenience after removing illegal sign(s). Removed signs should be safely stored at the nearest CDOT Region Maintenance Facility for a period of not less than thirty (30) days. Owners wishing to recover such illegal signs should be required to fill out CDOT Form 1343 acknowledging receipt of their illegal sign and stating they will not place any illegal signs in the future.

Changeable Electronic Variable Message Signs (CEVMS)

Please see 2 CCR 601-3 for the full requirements of CEVMS signs.

“CEVMS” or “Changeable Electronic Variable Message Sign” means a self-luminous advertising sign which emits or projects any kind of light, color, or message change which ranges from static images to full motion video. This shall include "Variable Message Sign" which means an advertising sign, display or device with moving parts whose message may be changed by electronic or by remote control or other process through the use of moving or intermittent light or lights. [43-1-404(1)(f)(I), C.R.S.]

Signs which contain, include, or are illuminated by any flashing or intermittent, or moving light or lights are prohibited, except those giving the following public service information: time, date, temperature, and weather which require a minimum display time of four (4) seconds with a one second “dark” interval in-between messages.

CEVMS devices with nighttime lighting levels that do not exceed 0.3 foot-candles above ambient light, and a minimum display time of (4) seconds whose message is changed by instantaneous re-pixilation are not illuminated by flashing or intermittent light or lights (making them acceptable for outdoor advertising). CDOT recommends eight (8) second display time. Scrolling, flashing or intermittent lights, or any method utilizing movement or the illusion of movement as a part of the message is prohibited.

No CEVMS may be placed within one thousand feet of another CEVMS on the same side of a highway. On-Premise Signs inside fifty feet of the advertised activity are not counted for purposes of this spacing requirement. [§ 43-1-404(1)(f)(I), C.R.S.]

BANNERS AND DECORATIONS and temporary signing for events by nonprofit organizations over and within State highway ROW that is not an interstate highway, freeway or expressway may be authorized with Special Use Permit CDOT Form No. 1283. Permanent overhead signs or arches may not be erected or suspended over or attached to any State highway structure or facility. Banners or decorations are not authorized within interstate, freeway or expressway ROW.

Temporary signs placed within State highway ROW without specific written permission from the Department are declared to be public nuisances pursuant to §43-1-417(3)(a), CRS, and any law enforcement officer in the State of Colorado or any employee of the Department is authorized and directed to remove the same without notice.

Authorized banners and unlighted decorations over the roadway must have a vertical clearance of at least eighteen (18) feet and lighted decorations over the roadway must have a vertical clearance of at least twenty-four (24) feet and be suspended securely from permanent structures or poles. No temporary supports are allowed and use of State structures or facilities is prohibited.

Annual or biennial permits for non-decorative banners at specific locations are issued to a local jurisdiction or a nonprofit organization sponsoring an event that has been approved by the local jurisdiction. The local jurisdiction then authorizes each banner installation, notifies the Department, and provides traffic control. Banners displaying private advertisements are not allowed. Trademarked lettering or logos are not allowed on banners.

Banners are not authorized on controlled access ROW nor shall they be attached to any State structures or facilities.

Conditions and Restrictions for Installation of Banners in State Highway ROW applicable to all non-decorative individual banner permits and annual/biennial permits to local agencies:

- The event must be approved by the local jurisdiction(s) directly affected by it.
- Display is allowed only within the community that is staging the event, or immediately adjacent to the event location.
- The banner must be made of substantial material, such as: cloth, canvas, or plastic/vinyl.
- The Region Traffic Engineer shall determine the maximum number of banners allowed and their specific location(s).

- Rope shall be without knots.
- Banners shall not contain private advertising whether in trademarked text or logo format, however, brief text, and/or logos identifying the applicant's local agency (e.g. city or county only) are allowed.
- Telephone number, address, website URL and e-mail address shall not be displayed on any banner within the State highway ROW.
- The lowest point of banners shall be at least twenty four (24) feet above the roadway.
- Suspension or installation of banners is prohibited on State-owned traffic signal poles or other State-owned structures or facilities.
- Local police may provide traffic control while the banner is being installed or removed.
- The display may be allowed two weeks before the event and may remain in place for the duration of the event; however, the total display period should not exceed six weeks.

Decorative Banner permits are issued to local jurisdictions for beautification and/or enhancement of their local streets. One single banner may be hung on streetlight poles with one luminaire. Such banners shall not be larger than three (3) feet wide and eight (8) feet long, and may be mounted on the backside of the streetlight pole with the top of the banner at a height of approximately eighteen (18) feet. The bottom of all banners shall not be less than twelve feet above the ground and shall be attached to the streetlight pole. As a minimum, decorative banners shall:

- Be used exclusively on conventional highways.
- Not contain advertising whether in text or logo format. However, non-trademarked decorative text or brief text, and/or logos identifying the applicant local agencies, (e.g. cities and counties only) are allowed.
- May remain in place for periods up to two years-the normal biennial permit duration, however, at the end of the two years, the local agency may reapply.
- Be applied for by the local jurisdiction.

Flags of the United States of America and the State of Colorado may be placed within State highway ROW. Encroachment permits are not required within city corporate boundaries; however, the Department should approve the method of installation and maintenance. Within unincorporated areas, no-fee permits are issued

for such flag installations after any needed traffic and maintenance reviews are completed. Applicants usually are local jurisdictions and civic organizations, but individuals may make applications for flags to be displayed within the State highway ROW immediately fronting their property.

Holiday decorations are permitted only on conventional highways—they are not allowed adjacent to interstate highways, freeways or expressways. Decorations attached to vertical structures (other than State-owned facilities) such as power, telephone, or light poles are not to project beyond the front face of the curb line and shall be at least fourteen (14) feet above the sidewalk. Decorations attached to vertical structures that project beyond the curb line or cross the highway shall have a minimum vertical clearance of eighteen (18) feet above the highway pavement at curb line. Decorations shall not be attached to State-owned facilities.

Decorative red, yellow or green lights shall not be placed where it could interfere with the driver's perception of traffic signals.

PERMIT PROCEDURES A permit from the Colorado Department of Transportation is required to:

- Erect and/or maintain an off-premise outdoor advertising sign, display, or device, except those noted below, along controlled routes within the Control Area in areas Zoned for Commercial or Industrial uses by law, or
- Maintain non-conforming outdoor advertising sign, display, or device, including signs mounted on portable frames or trailers.
- No outdoor advertising signs, displays, or devices intended to be read from the main traveled way may be erected beyond 660 feet of the right-of-way of the interstate or federal-aid primary highway system, or the National Highway System.
- Those signs not requiring a permit are on-premise signs, official signs, for sale or for lease signs and underground public utility warning signs (See 2 CCR 601-3).

The permit requirements contained herein are in addition to any permit or licensing requirements of local governing bodies, or other state agencies. Additionally, the issuance of this permit shall in no way preclude the actions of any state agency, including CDOT from initiating legal proceedings against the applicant for violations of any state or federal law, rule or policy, including violations of federal or state environmental laws and regulations; nor is this approval intended to influence any action currently pending before a local board, commission or agency. Failure to provide truthful, accurate, and adequate information required by this application constitutes sufficient cause for the application or subsequent permit to be denied, cancelled, or revoked.

NO FEE PERMITS FOR OFFICIAL SIGNS meeting the rules and regulations covered under the “Official” section require prior approval from the Department before being constructed. An application shall be submitted for an “Official” sign to enable the Department to review the proposed sign and location for conformance to Federal and State laws, rules and regulations. Contact the applicable Regional Outdoor Advertising Inspector (see Appendix A) for assistance prior to submitting an “Official” sign application. There is no fee for an “Official” sign permit or application.

Every official sign and location requires an official act of the governing body (retained in the Region files) and a letter from the CDOT Region Outdoor Advertising Inspector authorizing the sign and location. A letter from CDOT approving the “Official” sign will be sent to the applicant, but no actual permit or decal will be issued.

APPLICATIONS for a permit to erect an outdoor advertising device (CDOT Form No. 291, see Appendix B) are available online at: <http://www.coloradodot.info/library/forms/cdot0291.pdf>, at any Region Office, or may be requested by telephone, at (303) 757-9273 or via US Mail, addressed as follows:

Colorado Department of Transportation
Outdoor Advertising Program Manager
4201 East Arkansas Avenue
Denver, CO 80222

An application must be submitted and a CDOT permit acquired for each outdoor advertising sign prior to displaying advertisements. Once constructed and upon receipt of completed application and initial fee, a CDOT Outdoor Advertising Permit will be issued to applicant. A map of the Interstates, Federal-Aid Primary, State Secondary and National Highway System highways, where CDOT must effectively control outdoor advertising within the control area is available online at <http://www.coloradodot.info/programs/logos-tods.html>

No permit will be issued until a **fully completed** application has been received and approved for each separate outdoor advertising structure and is submitted to the respective Region Outdoor Advertising Inspector along with the required initial fee. Permit application approval or denial and incomplete applications shall be sent to applicant by Certified First Class US Mail.

One stake, paint or other identifying object should be placed at the proposed sign location at or as near as possible to the right-of-way line and others at the actual sign location denoting edges of the sign face(s) to assist the Department in investigating the proposed site. No application for permit will be approved until an on-site verification is conducted by the Department.

PERMIT FEES are required per § 43-1-409 (1)(b) C.R.S. All new permit fees are submitted to the Region Outdoor Inspector along with the fully completed application and accompanying documentation. If approved the fee is remitted to the Region Business Office. If denied, the fee is returned to the applicant.

PERMIT AND PERMIT IDENTIFICATION will be issued upon approval, and the payment of fees for all lawful outdoor advertising structures. The permit identification provided by CDOT shall be securely affixed to the appropriate outdoor advertising structure in a location visible from the nearest shoulder of the road within thirty (30) days of receipt. It is the responsibility of the sign owner to ensure that off-right-of-way vegetation is sufficiently controlled at the site to ensure that the permit sticker is clearly visible from the nearest shoulder of the main traveled way. If the permit identification is not visible, the permit is subject to revocation.

A **PERMIT TAG** will be provided by the Department when the annual permit renewal fees have been paid by the permit holder for the State fiscal year which the fees are scheduled on. The Permit Tag, which has the fiscal year printed on it, will be placed on the Permit Identification previously described in this manual. The purpose of the Permit Tag is for the Region Outdoor Advertising Inspector to easily identify, during the annual inventory of advertising devices, all signs that are current with permit fees.

PERMIT TERM The proposed sign structure must be completed within 365 calendar days of issuance of the permit. Once erected, the sign permit expires on June 30 every year, but may be renewed annually so long as the structure remains compliant. For example, a zoning change, discovery of a prior mistake, a scenic byway designation or change can result in a status change, but the permit can still be renewed. The renewal request must be received **prior** to June 1 of each year. If the renewal request is not received prior to June 1, a \$50.00 late fee is assessed with no exceptions allowed.

PERMIT TRANSFER The ownership transfer of a specific outdoor advertising device for which a permit has been lawfully issued to the original owner will not in any way affect the validity of the permit for that specific device provided that the Department is timely notified within sixty (60) days of the actual transfer. Such written notice shall indicate the CDOT permit number and the effective date of transfer along with a copy of any lease or sale agreement documenting the transfer, and mailed to:

Colorado Department of Transportation
Outdoor Advertising Control Program Manager
4201 E Arkansas Ave
Denver, CO 80222

LOST, DAMAGED, OR DESTROYED IDENTIFICATION may be replaced by notifying the Department in writing at the above address. If a lost sticker is located at a later date, it should be destroyed.

PERMIT REVOCATION Any valid permit issued for a lawful outdoor advertising structure may be revoked by the Department for any of the following reasons:

- Mistake of material facts by the issuing authority for which had the correct facts been made known, the outdoor advertising permit in question would not have been issued;
- Misrepresentations of material fact by the applicant for the outdoor advertising permit;
- Failure to complete all construction of structure within 365 days from the date of issuance of the outdoor advertising permit. A structure erected after the 365-day permit period will be subject to sanctions up to and including loss of permit and mandatory removal of sign structure.
- Any alteration of an outdoor advertising structure for which a permit has previously been issued which would cause that outdoor advertising structure to fail to comply with the provisions of the Outdoor Advertising Control Act and the rules and regulations promulgated by the Department pursuant thereto;
- Making alterations that change any or character of a non-conforming sign which could cause it to be other than substantially the same as it was on the date the sign became nonconforming. This means placing lighting on a previously unlit sign, changing the structural components (replacing 4X4 wood posts with 6X6 posts or providing additional bracing), alterations to the sign face (size or shape), replacing a destroyed sign, or total rebuilding of the sign in one calendar year.
- Failure to affix permanent permit identification within 30 days after erection of the outdoor advertising device;
- Unlawful destruction of trees or shrubs or other growth located on the right-of-way for any reason.
- Unlawful violation of the control of access on interstate, freeway, and other controlled access facilities, including destruction of access-control fencing.
- Failure to maintain a sign such that it remains blank for a period of six (6) consecutive months.
- Failure to maintain a sign such that it becomes obsolete.

NOTICE OF REVOCATION OF PERMIT The permit is subject to all applicable rules and regulations and is subject to revocation for violations thereof.

- Should the Department determine that a particular outdoor advertising structure permit violates one of the requirements set out by the permit, CDOT may revoke the permit for that outdoor advertising structure.
- When the need for revoking a permit has been determined, the Region Outdoor

Advertising Inspector will notify the owner of the sign and the owner of the property on which the sign is located by “Certified Mail: Return Receipt Requested”, in the form of a letter setting forth the reasons the sign in question does not comply. The letters notifying the sign owner and the property owner of the sign in question will also state that the structure is unlawful. The letters will also state that if the structure is not removed or made to conform to the provisions of the act or the rules and regulations within a period of time after receipt of the letter, the Colorado Department of Transportation or its agents may, at the expense of the owners of the sign and/or property, remove the outdoor advertising structure. NOTE: All non-conforming signs, if found to be in violation of the terms of their permit, will be removed at the owners expense.

- The owner(s) of the sign and/or property, pursuant to § 43-1-412(4), C.R.S., shall have sixty (60) days within which to provide CDOT with proof of compliance, or may appeal the department's determination through the appeal process set forth in 2 CCR 601-3(5.00).

NOTICE OF DENIAL OF PERMIT APPLICATION Should the Department determine that a proposed outdoor advertising sign fails to conform to the standards of outdoor advertising as set forth in the Outdoor Advertising Control Act or the rules and regulations promulgated thereto by the Department, issuance of a permit for that proposed advertising structure will be denied.

- When the Department refuses to issue a permit, the owner of the proposed structure in question shall be notified by “Certified Mail: Return Receipt Requested”, in the form of a letter setting forth the reasons the proposed structure does not comply; and may also return the application to the applicant.
- The applicant may appeal the department's determination through the appeal process set forth in 2 CCR 601-3 (5.00).

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Vegetation Clearance Guidelines CDOT is neither required nor obligated to provide visibility for a Outdoor Advertising Control device from the main traveled way of any state highway. Written requests to trim or remove vegetation will be evaluated by the Region Outdoor Advertising Inspector, with assistance from an arbor culturist or other landscaping professional, to determine if the clearance or trimming is necessary for its preservation or for the sole purpose of improving visibility of advertising devices. All vegetation trimming and/or removal will be performed by CDOT personnel or other competent professionals under contract with CDOT. Costs for all such vegetation control shall be paid by Special Use Permit applicant.

Vegetation control within CDOT highway right-of-way shall not be performed by others without specific written CDOT permission and Special Use Permit. Tree removal or vegetation trimming will not be done solely for advertising sign visibility.

APPRAISAL

Appraisal of Signs Purchased Prior to any negotiation to purchase or relocate any CDOT-permitted outdoor advertising device, the Region Outdoor Advertising Inspector shall prepare a written report outlining all available options for the device for presentation to the CDOT Region ROW Manager. Procedures for appraising and purchasing on- and off-premise signs located within CDOT widening or other improvement projects are located in Chapter 3 of the Right of Way Appraisal Manual. Appraisal methods must be followed as described in the Appraisal Manual. However for purposes of this Manual the methodology relating to signs and the flow of the project is explained as follows:

Off Premise Signs in the Acquisition Appraisal of Signs within a Right of Way Acquisition Project - during the process of developing right of way plans, the Region Resident Engineer in charge of the project will consult the Region Outdoor Advertising Inspector as to roadside signs that will be along the affected section of highway. The Region Outdoor Advertising Inspector will identify for the Resident Engineer the signs that will be in the take area of the project. The completed plans then will show signs by State Permit Number, mile marker, and status of sign as to conforming, nonconforming, or illegal. If the status of the sign(s) is illegal the sign should be identified as such and not purchased in the project but removed with construction of the project The Region Outdoor Advertising Inspector should take a photograph of the sign(s) in the take, attach the photo(s) to the plans and send them along with a current property owner lease, to The Region Right of Way Manager for the Appraiser to appraise the signs in the take. The Region Outdoor Advertising Inspector will provide pdf copies of the CDOT Outdoor Advertising Control State Permit file(s) of the signs to the Region ROW Manager for appraisal and potential relocation purposes. The Region Outdoor

Advertising Inspector should advise the Region ROW Manager of potentially available conforming site(s) for sign relocation within project limits.

Signs will be appraised by considering all three approaches to determine value. The Region Outdoor Advertising Inspector will assist the Region ROW Manager to determine if any off premise signs can be legally relocated outside of the take, and if the local zoning authority will allow such relocation. If the off premise sign can be legally relocated after acquisition as determined by the Region ROW Manager, then included in the appraisal report should be the following value estimate for relocation to be furnished by the Region Right-of-Way Manger:

A fair market value appraisal should be completed for all off-premise signs that cannot be legally relocated outside of the take by a sign contractor other than the sign owner after the acquisition, as determined by the Region ROW Manager.

On-premise signs are located upon the premises and only advertise the primary activities, goods or services conducted upon the premises. CDOT must offer to purchase these signs as part of the real property. The appraiser should include in the appraisal:

- a. Contributory value of the sign. (Contribution to the total property value)
- b. Cost to remove and relocate the sign.
- c. The Reviewer will set the salvage value of on premise signs within the acquisition. Item (a.) above must be estimated by the appraiser since a sign appraiser may not understand or know the contributory value to the real property. Item (b) above must be supported by estimates from local sign experts or other reliable sources.

Encroaching and Illegal Signs Such signs within existing rights of way are not entitled to payment but will be listed in the Summary of Conclusions under Off Premise Signs(s) Contributory Value of Part(s) taken at a zero value. Illegal signs should be included in “the letter of information” sent to the Region ROW Manager.

Review The Region Review personnel will review the sign appraisals and recommend a Fair Market Value (FMV) on the sign(s). The FMV (CDOT Form #930A) is sent to the Region ROW Manager for purchase and/or relocation and removal. The Region Real Estate Specialist will present an offer of fair market value to the sign owner. Once the Memorandum of Agreement (CDOT Form #784) is signed by all parties, it will be sent to the Staff Project Development Branch for a warrant to be ordered.

SIGN SITE VALUATION

Leaseholds When outdoor advertising signs and sign sites involve a leasehold value, the CDOT Appraiser will determine value in the manner as any other real estate leasehold that has value to the lessee.

ALL NEW SIGNS WITHIN CDOT RIGHT OF WAY must be approved by the Region Traffic Engineer.

Non-official Signs are prohibited unless the sign is an on-premise sign which complies with Section 43-1-421(1)(2)(3)(a)(b)(c)(d) C.R.S, and is an on premise sign that is attached to a building and does not restrict pedestrian traffic and is not a safety hazard to the motoring public. No other advertising devices are allowed within the highway ROW pursuant to Section 43-1-417(3)(a), C.R.S.

Bus Benches and Bus Shelters provide a public service for passengers of our transit systems and the advertising messages placed thereon provide an economical way to provide this service.

CDOT should give written approval in the form of a permit to erect or maintain an advertising device on a Bus Bench or Bus Shelter within the ROW of any state highway if the local governing body having authority over the state highway pursuant to Section 43-2-135, CRS has approved such advertising device.

CDOT shall accept the local permit as a State approved permit if the approval procedure of the local governing body included a determination that the advertising device does not restrict pedestrian traffic and is not a safety hazard to the motoring public as per Section 43-1-407(2)(a), CRS.

CDOT, through the Project Development Branch, may enter into an agreement with any municipality or county who, under its authority, wishes to control bus bench and shelter advertising along a State highway within their jurisdiction. All agreements and leases will indemnify the State from all claims relating to the device(s) and will comply with minimum standards and specifications which may include but are not limited to design, number of devices, setback requirements, and location of the device(s).

Bus Bench Advertising Devices

1. Placement - bus benches shall only be placed parallel to the main traveled way along designated bus routes at designated bus stops, and shall be placed in accordance with the following:

- a. On State highways without curbs, the bus bench(es) shall be placed no closer than ten (10) feet from the traveled lane and set back from the edge of the shoulder as much as practicable.
- b. On State highways with curbs, the bus bench(es) should be placed not less than five (5) feet from the front face of the curb. In those cases where this is not practicable, the minimum distance from the front face of curb shall be not less than three and one-half (3 1/2) feet.
- c. Upon review of ridership data, additional bench(es) may be allowed, but not to exceed a maximum of three (3) benches at any given stop. One owner may not own all benches at any designated bus stop. When more than one bench is installed at a designated bus stop, benches shall be separated by a minimum of two (2) feet.
- d. Benches must be placed at or as near as practicable to the passenger boarding area.
- e. Bus benches shall be located so as to not create a hazard for vehicular or bicycle traffic, pedestrians or wheelchair users, and shall comply with all requirements of the Americans with Disabilities Act (ADA).
- f. Bus benches shall not be permanently attached and/or anchored within the State Highway right-of-way.
- g. All safety issues concerning any bus stop location within CDOT right-of-way will be referred to the appropriate CDOT Region Traffic and Safety Engineer.

2. Maintenance and Repair

- a. Benches must be maintained in a safe, level, and clean condition, with the advertisement in good, clean, and readable condition. All bus bench parts must be kept in good repair, and wooden components painted.
- b. Maintenance operations which interfere with traffic flow during peak traffic periods will require a Traffic Control Plan and a Special Use Permit.
- c. Upon notification, repair or replacement of the bench(es) shall be completed immediately for safety concerns, and all other maintenance completed within two (2) weeks.
- d. Upon relocation or abandonment of a bus stop, the bus bench(es) shall be relocated to the new bus stop or removed from the State highway right-of-way.

e. The immediate area around the bus bench shall be kept clear of weeds over six (6) inches tall and unsightly trash.

3. Prohibitions

- a. Any location which is not an officially designated bus stop.
- b. Any location where such benches would interfere with the safe and efficient movement of vehicles or pedestrians.
- c. On private property without compliance with the Colorado Outdoor Advertising Act. Such benches require a CDOT Outdoor Advertising Permit.
- d. Advertising bearing or pertaining to tobacco or alcohol products.
- e. Objectionable advertising which is obscene, prejudicial, offensive, degrading or discriminatory as determined by CDOT.
- f. If any of the other requirements are not continually met.

4. Construction

- a. Benches must be constructed of substantial materials and be no longer than 8 feet, no higher than 42 inches, no wider than 30 inches, and weigh no less than 350 lbs. nor more than 450 lbs. Any deviation from these specifications must be pre-approved by CDOT. The benches must readily and predictably collapse by shearing connecting bolts or other devices between the seat and back rest with the supporting ends.
- b. Advertising shall only be displayed on the front or rear of the back rest.
- c. The bench owner's name shall be placed on the front of the seat as a means of identification for maintenance and ownership purposes.

5. Contracts and Indemnification

- a. The bus bench owner/ contractor should enter into an agreement with the city or county to place bus benches on state highways within cities and counties.
 - (1) The contract should describe the intersections and bus stops where the bus benches will be located.
 - (2) The contract should describe the type of placement and the maintenance of the bus benches after placement.
- b. The local governing body having authority over the State highway pursuant to Section 43-2-135, CRS shall indemnify and hold harmless the State and CDOT from any and all losses, costs, damages, expenses, or liability which may result

from, or arise out of, the use of state highway right-of-way for the bus bench, to the extent of the Governmental Immunity Act, specifically Section 24-10-114, CRS.

c. The local governing body shall pay any and all losses or damages that may be sustained by any persons as a result of, or which may be caused by, or arise out of such installation or maintenance of a bus bench.

Bus Shelter Advertising Devices

1. Placement

a. Bus Shelters shall only be placed parallel to the main traveled way along designated bus routes.

b. All bus shelters shall be placed in accordance with the following:

(1) On the State Highway System bus shelters shall be placed at far side of intersection bus stops wherever possible. Local municipalities or counties must insure proper intersection sight distance when issuing approval for the construction of a bus shelter. The placement of the bus shelter must comply with the latest version of the American Association of State Highway and Transportation Officials Manual for Geometric Design of Highways and Streets for at-grade intersections. The bus shelters shall comply with the intersection sight distance not the stopping sight distance in the manual referenced, and shall not restrict visibility for the motoring public at intersections.

(2) On State Highway System roads with curbs, the bus shelters should be placed no closer than five (5) feet from the front face of curb. In those places where sidewalk is adjacent to the curb the sidewalks integrity must be maintained. Adequate width must be maintained from the shelter for pedestrian traffic.

(3) Bus shelters shall be located so as not to create a hazard for vehicular traffic, pedestrians, bicyclists, or wheelchair users.

(4) All bus shelter placement and construction must comply with the Americans with Disabilities Act of July 26, 1990.

(5) Bus shelters with advertising panels along state highways must be located within the state highway right-of-way.

(6) Bus shelters with advertising panels along city or county roads must be located within city street or county road right-of-way.

(7) The bus shelter must meet all local governmental building codes

and must be authorized by the local municipality.

2. Traffic Control and Utility Permits on State Highways

a. CDOT requires a Traffic Control Plan (TCP), prepared by an individual certified through the American Traffic Safety Services Association, Inc. (ATSSA); and a work-site Traffic Control Supervisor must be present to control traffic during the construction of the shelter.

(1) The TCP must show that if the roadway or sidewalk will be restricted, how traffic flow and pedestrian traffic will be accommodated.

(2) The TCP must be approved by the CDOT, Region Traffic and Safety Engineer, before a building permit is issued or approved by the local jurisdiction.

(3) Each CDOT Region will decide, based on the utilities or special use and type of construction necessary, if a utility or special use permit will be required to work in the State highway right-of-way. If a permit is not required, a letter of approval to work in the right-of-way must be sent to the contractor or local municipality from the CDOT Region Utility Engineer or the Region Traffic and Safety Engineer.

(4) All utility location and/or relocation will be the responsibility of the contractor, and shall be done prior to any construction.

3. Construction

a. The local jurisdiction (City or County) will issue the building permit for construction of the bus shelter if the local governing body having authority over the state highway pursuant to CRS 43-2-135, has approved the advertising bus shelter.

b. CDOT shall accept the local permit as a state approved permit if the approval procedure of the governing body included a determination that the advertising device does not restrict pedestrian traffic and is not a safety hazard to the motoring public, as per Section 43-1-402.2(a), CRS.

c. The owner name and telephone number shall be placed on the front of the bus shelter.

d. All bus shelters shall have at least one trash receptacle.

4. Maintenance and Repair

- a. Bus shelters shall be maintained in a safe and clean condition with legible copy.
- b. Maintenance operations which interfere with traffic flow during peak traffic periods will require a Special Use Permit and a Traffic Control Plan.
- c. Upon notification from CDOT, all repairs to or replacement of the shelter shall be completed immediately for safety concerns, and within two (2) weeks all other normal maintenance.
- d. Upon relocation or abandonment of a bus stop, or widening of the highway the bus shelter shall be relocated or removed at the owner's expense to the new bus stop or removed from the State highway right-of-way.
- e. The immediate area around the bus shelter shall be kept clear of weeds taller than six (6) inches, trash and debris.
- f. All bus shelters shall have trash receptacles emptied weekly.

5. Prohibitions

- a. At any location which is not an officially designated bus stop.
- b. At any location where bus shelters would interfere with the safe and efficient movement of vehicles and pedestrians.
- c. On private property without full compliance with the Colorado Outdoor Advertising Act. Such shelters require a CDOT Outdoor Advertising Permit.
- d. Advertising bearing or pertaining to tobacco or alcoholic products.
- e. Objectionable advertising which is obscene, prejudicial, offensive, degrading, or discriminatory as determined by the CDOT.
- f. If any of the other requirements are not continually met.

6. Contracts and Indemnification

- a. The bus shelter owner/contractor shall enter into an agreement with the city or county to place bus shelters on state highways within cities and counties.
 - (1) The contract should describe the intersections and bus stops where the bus shelter company will build shelters.
 - (2) The contract should describe the construction phase and all future maintenance requirements of the bus shelter after construction.

b. The local governing body having authority over the State highway pursuant to Section 43-2-135, CRS shall indemnify and hold harmless the State and CDOT from any and all losses, costs, damages, expenses, or liability which may result from or arise out of, the use of State highway right-of-way for that shelter, to the extent of the Governmental Immunity Act, specifically Section 24-10-114, CRS.

c. The local governing body shall pay any and all losses or damages that may be sustained by any persons as a result of, or which may be caused by, or arise out of, such installation or maintenance of a bus shelter.